

HOUSE BILL REPORT

SSB 5182

As Passed House - Amended:

April 8, 2005

Title: An act relating to single burial use of multiple interment space.

Brief Description: Requiring disclosures for single burial use of multiple interment space.

Sponsors: By Senate Committee on Labor, Commerce, Research & Development (originally sponsored by Senators Franklin and Sheldon).

Brief History:

Committee Activity:

Commerce & Labor: 3/17/05, 3/30/05 [DPA].

Floor Activity:

Passed House - Amended: 4/8/05, 96-0.

Brief Summary of Substitute Bill (As Amended by House)

- Creates a written disclosure requirement for all purchases of property, merchandise, and services from a cemetery, as well as a disclosure of multiple interment burial spaces where applicable.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass as amended. Signed by 7 members: Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Crouse, Hudgins and McCoy.

Staff: Rebekah Ward (786-7106).

Background:

There are approximately 147 cemeteries licensed and regulated through the Department of Licensing and the State Cemetery Board. The State Cemetery Board does not, however, have jurisdiction over city, town, county, or private religious cemeteries. There is no estimate available of the number of private cemeteries there are throughout the state.

In the sale of burial space, multiple burial space sales, whereby more than one casket may be buried in layers in the same burial plot, are common in cemetery agreements. However, there is no statutory requirement for disclosure in written sale agreements of sales of multiple grave

spaces in the same burial plot; cemetery sales persons typically make these types of disclosures orally.

Summary of Amended Bill:

Cemeteries are required to disclose to the customer making the cemetery arrangements a written statement indicating all the property, merchandise, and services the customer is purchasing. If offering single burial use of a multiple interment space, cemeteries must also disclose on the statement the definition of multiple interment.

"Multiple interment" means two or more human remains are buried in the ground, in outer burial enclosures or chambers, placed one on top of another, with a ground surface the same size as a single grave or right of interment.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill affects all cemeteries in the state, and it is good for all citizens of the state. There have been instances where the use of multiple interment burial sites have been utilized and the person making the funeral arrangements was not aware that they were purchasing a multiple interment site at the time of making the arrangements or was not informed of this in advance. In either of these previously mentioned situations, there is often upset on the part of the families when they discover that a multiple interment burial plot was utilized without their knowledge at the time they were making the arrangements.

The use of multiple interment burial plots makes sense for the burial of family members in the same families when this information is clearly disclosed to the person making the funeral arrangements. However, there was concern expressed that at the time of the making of the funeral arrangements, the disclosure of this information, even if it is in writing, may not be cognizable by the person making the arrangements depending on their emotional state of being at that time. The grieving process and the effects of that grieving may have an impact on the person's awareness of such considerations.

Testimony Against: None.

Persons Testifying: Senator Franklin, prime sponsor; and Jon Donellan, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.